IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29802 of 2007(W)

PETITIONER:

SHAJI THOMAS,
PROPRIETOR, A.M. PHARMA, THEKKEMALA,KOZHANCHERRY.

BY ADV. SRI.VIJAYAN. K.U.
SRI.K.N.SREEKUMARAN

RESPONDENTS:
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1. COMMERCIAL TAX OFFICER, PATHANAMTHITTA.

2. DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, KOLLAM.

3. TAHSILDAR (REVENUE RECOVERY),
PATHANAMTHITTA.

4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 29802 OF 2007 W
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Dated this the 8th day of October, 2007

J U D G M E N T

Aggrieved by Ext.P1 order of assessment, petitioner has filed Ext.P2 appeal along with Ext.P2(b) application for stay. It is submitted that though the appeal and stay were filed in February 2007, matter has not been heard till date. It is further submitted that at this stage, revenue recovery proceedings have been initiated by Ext.P3 and hence this writ petition.

2. I heard the learned Government pleader also in this matter.

3. It is submitted by the learned counsel for the writ petitioner that 1/3rd of the amount due has already been paid.

4. At this stage, I am not inclined to examine the merits of the case set up by the petitioner. Now that Ext.P2(b) stay petition is pending consideration of the 2nd respondent, it is for that authority to consider the stay application filed by the petitioner and pass orders thereon.

5. Accordingly, I dispose of this writ petition directing the 2nd respondent to consider and pass orders on Ext.P2(b) stay application filed by the petitioner, as expeditiously as possible, at any rate within three weeks of receipt of a copy of this judgment. In the meantime, further proceedings pursuant to Ext.P3 will be kept in abeyance.

Petitioner shall produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp